

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCEL EUGENE THOMAS,

Plaintiff

Case No. 3:21-cv-00104-MMD-WGC

ORDER

v.

PERRY RUSSELL,

Defendant

I. DISCUSSION

According to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff is no longer incarcerated. However, Plaintiff has not filed an updated address with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1.

This Court grants Plaintiff thirty (30) days from the date of entry of this order to file his updated address with this Court. If Plaintiff does not update the Court with his current address within thirty (30) days from the date of entry of this order, this case will be subject to dismissal without prejudice.

Additionally, the Court denies the application to proceed *in forma pauperis* for prisoners (ECF No. 1) as moot because Plaintiff is no longer incarcerated. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$402.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff will file his updated address with the Court within **thirty (30) days** from the date of this order.

1 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
2 for prisoners (ECF No. 1) is DENIED as moot.

3 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
4 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the
5 document entitled information and instructions for filing an *in forma pauperis* application.

6 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
7 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis* for
8 non-prisoners; or (2) pay the full filing fee of \$402.

9 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order,
10 the Court will dismiss this case without prejudice.

11
12 DATED THIS 16th day of September 2021.

13 
14 UNITED STATES MAGISTRATE JUDGE